REMARKS/ARGUMENTS

Claims 1, 3 through 11 and 13 through 18 remain in this application.

Claims 1, 3 through 11 and 13 through 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,408,182 to Davidson, et al. ("Davidson, et al. patent") in view of U.S. Patent No. 6,192,232 to Iseyama ("Iseyama patent").

Claim 1 provides, *inter alia*, a backup system component that provides service to a particular communication device needing service if subscription information for the device indicates that the device subscribes to a first class of service, and terminates service to the device needing service, if the subscription information indicates that the device subscribes to a second class of service. Claim 10 provides, *inter alia*, similar language.

As stated by the above Office Action (starting at the bottom of page 2), the Davidson, et al. patent fails to teach a plurality of communication devices that include at least one first communication device subscribed to a first class or service and at least one second communication device subscribed to a second class of service, providing service to the particular device needing service if the subscription information indicates that the particular communication device subscribes to the first class of service, and terminating service to the device needing service if the subscription information indicates that the particular communication device subscribes to a second class of service. Accordingly, claims 1 and 10 distinguish patentably from the Davidson, et al. patent.

Similar to the Davidson, et al. patent, the Iseyama patent do not describe or suggest providing service to a particular communication device needing service if subscription information for the device indicates that the device subscribes to a first class of service, and terminating service to the device needing service, if the subscription information indicates that the device subscribes to a second class of service, as required by claims 1 and 10. Based on the statements made in the above Office Action, it appears that the Examiner has misinterpreted the operation of the emergency call control apparatus of the Iseyama patent. The Iseyama patent describes an apparatus that does not disconnect, in a handoff, an emergency call from a mobile station in a service zone to which a mobile station has moved regardless of traffic congestion. In particular, a first base station having a service zone requests a second base station having an adjacent service zone to reserve a radio channel when the first base station receives an emergency request from a mobile station. Thus, even if the radio channels are congested in the adjacent service zone of the second base station, the emergency call is maintained as it is handed over from the first base station to the second base station because a radio channel has been reserved by the second base station for the emergency call. Accordingly, the Iseyama patent distinguishes a mobile station requesting an emergency call from a mobile station requesting a non-emergency call, but does not distinguish a device ***subscribing*** to a first class of service from another device ***subscribing*** to a second class of service, as required by claims 1 and 10. Therefore, claims 1 and 10 distinguish patentably from the Davidson, et al. patent, the Iseyama patent and the combination of these patents.

In addition, the Iseyama patent does not describe or suggest a backup system component that ***terminates*** service to a device needing service based on subscription information for the device. The Iseyama patent discloses an apparatus that requests a base station of an adjacent service zone to reserve a radio channel for an emergency call. For this arrangement of the Iseyama patent, a mobile station within the adjacent service zone may not be able obtain a radio channel if all channels are in use or reserved for emergency calls, but the Iseyama patent does not describe or suggest ***terminating*** service to a device in the adjacent service zone. Therefore, claims 1 and 10 further distinguish patentably from the Davidson, et al. patent, the Iseyama patent and the combination of these patents.

Claims 3 through 9, 11 and 13 through 18 depend from and include all limitations of independent claims 1 and 10. Therefore claims 3 through 9, 11 and 13 through 18 distinguish patentably from the Davidson, et al. patent, the Iseyama patent and the combination of these patents for the reasons stated above for claims 1 and 10.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1, 3 through 11, and 13 through 18 are respectfully requested.

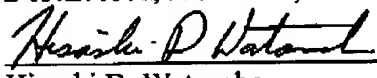
CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Dorenbosch, Jheroen P., et al.



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